

TOWNSHIP OF UPPER PROVIDENCE

ORDINANCE NO. 484

AN ORDINANCE OF THE TOWNSHIP OF UPPER PROVIDENCE, DELAWARE COUNTY, PENNSYLVANIA, AMENDING SECTION 690, VEGETATION, BY ADDING SECTION 690.03, REGULATING THE PLANTING, GROWING AND CULTIVATING OF BAMBOO IN UPPER PROVIDENCE TOWNSHIP.

BE IT ENACTED AND ORDAINED AND IT IS HEREBY ENACTED AND ORDAINED AS FOLLOWS:

Section 690.03.1. Regulations for Planting, Growing or Cultivating Bamboo.

Subject to the exemptions set forth in this Ordinance, no person, property owner or tenant shall plant, cause to grow or cultivate any bamboo on any lot or parcel of ground located in the boundaries of Upper Providence Township, subject to the following exceptions:

1. The root system of the bamboo plants are entirely contained within an above ground planter, barrel or other container of such design, material and location as to prevent the spread of the bamboos' root system beyond the confines of the container that it is planted; or

2. The root system is planted in the ground but is entirely contained within a barrier, constructed in accordance with the following specifications. Compliance with these specifications is subject to the inspection by the Code Enforcement Officer.

a. The barrier itself shall be composed of a high density polypropylene or polyethylene, with a thickness of at least 40 mils;

b. The barrier shall be secured and joined together by stainless steel clamps or stainless steel closure strips designed to be used with such barriers;

c. The barrier shall be installed at least thirty (30) inches deep.

d. At least three (3) inches of the barrier must protrude above ground level around the perimeter of the bamboo;

e. The barrier shall slant outward from bottom to top,

3. Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant is closer than ten (10) feet from any property line.

#### Section 690.03.2. Exemptions.

This Ordinance shall not apply to any land owner or possessor who, prior to the effective date of this Ordinance, had planted or caused to grow any bamboo on any property within the Township boundaries unless, upon determination of the Code Enforcement Officer, that any portion of such bamboo has been allowed to grow upon or its roots, branches and/or stalks have extended onto or over any public way or another's private property.

#### Section 690.03.3. Complaint, Notice, Order for Removal and Compliance.

Whenever a complaint is received by the Township regarding the encroachment of any bamboo plant or root, or whenever the Township on its own observations and inspections determines that there is any encroachment of bamboo plants or roots onto the property of another, public street or sidewalk, the Township shall give notice to the landowner or tenant in possession of the property to remove the offending bamboo or root system.

1. The Notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage and the Notice shall be posted on the offending property in a conspicuous place. Notice by certified mail shall be deemed complete on the date of personal delivery or the date the certified mail is marked "refused", "unclaimed" or otherwise undeliverable by the United States Postal Service.

2. The Notice shall specify the nature of the violation.

3. The Notice shall state that the violation must be corrected within thirty (30) days from the date of mailing or posting the property, whichever is later.

4. The Notice shall state specifically what must be done by the responsible party to correct the violation and come in compliance with this Ordinance.

5. The Notice shall state that failure to comply within thirty (30) days will result in the removal of the offending bamboo or root system by the Township and the billing of the responsible party. Or, in the alternative, a citation will be issued daily until such time as the offending bamboo or root system is removed.

#### Section 690.03.4. Repealer.

All Ordinances, Resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

#### Section 690.03.5. Severability.

If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph, or part to other persons or circumstances, directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

#### Section 690.03.6. Penalty.

Any person who violates any provision of this Ordinance shall be subject to penalties set forth in Section 690.99.

Section 690.03.7. Effective Date.

This Ordinance shall become effective five (5) days after passage.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

TOWNSHIP COUNCIL  
TOWNSHIP OF UPPER PROVIDENCE:

By \_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Secretary